

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)

Elwood Jesse Bill Simpson)

Serial No. 10/779,937)

Filed February 17, 2004)

PROTECTIVE HELMET WITH)
INTEGRAL AIR SUPPLY)

January 3, 2005

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d)Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby submits this Petition to Make Special Under 37 C.F.R. §1.102(d) to advance examination of the above-captioned application. The Commissioner is authorized to charge the statutory fee of \$130.00 pursuant to 37 C.F.R. §1.17(h) to the credit card detailed in the attached form PTO-2038. Please charge any other fees that may be due to Deposit Account No. 23-3030, but do not include the payment of any issue fees that are or may become due.

"Express Mail" label number **EV 466869288 US**
Date of Deposit January 3, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Erin L. Clavie

Signature of person mailing paper or fee

As provided for in MPEP §708.02, the Applicant is submitting this Petition on grounds of actual infringement, as detailed under the heading "Petition To Make Special – II. Infringement". In support of this Petition, Applicant, through their undersigned counsel, Troy J. Cole, submit the following:

1. There is at least one infringing product actually on the market. As one example, Bell MotorSports, Inc. is a company that offers a protective helmet with integral air supply. The infringing product is detailed on the www.bellmotorsports.com/product/uvrtxtpf.htm web site and many other places.

2. A rigid comparison of the claims in the above-captioned patent application to the infringing product has been made and, in the opinion of the undersigned, one or more of the claims are unquestionably infringed by the infringing product.


3. The undersigned has a good knowledge of the pertinent prior art, and has caused to be made a careful and thorough review of the prior art.

4. The undersigned welcomes a telephonic interview with the Examiner regarding this Petition, if such an interview can clarify any outstanding issues.

Accordingly, the Applicant respectfully requests that the Commissioner, under his authority granted in 37 CFR §1.102, grant this Petition to Make Special.

Respectfully submitted,

By:



Troy J. Cole
Reg. No. 35,102
Woodard, Emhardt, Moriarty
McNett & Henry LLP
Bank One Center/Tower
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456